

# GLADUE AND YOU

## YOUR RIGHTS AS AN INDIGENOUS PERSON

### WHAT IS THE *GLADUE* DECISION AND WHY DOES IT MATTER?

In Canada, Indigenous people are put in jail more often than non-Indigenous people because of colonialism and systemic discrimination.

In 1996, the Government of Canada changed the law. The Government said that judges need to think about sentencing Indigenous people differently.

In 1999, the Supreme Court of Canada explained the meaning of this law in the *Gladue* decision.

The *Gladue* decision requires judges to sentence Indigenous people differently. Judges are asked to consider Indigenous ways of healing and wellbeing, worldviews, legal traditions, customs, and responses to crime.

Judges are also asked to consider the life-story and background of an Indigenous person.



76% OF PEOPLE INCARCERATED IN SASKATCHEWAN ARE INDIGENOUS

### Section 718.2(e) of the Criminal Code

*"...the circumstances of (A)boriginal people are unique. In sentencing an (A)boriginal offender, the judge must consider:*

*(a) the unique systemic or background factors which may have played a part in bringing the particular (A)boriginal offender before the courts; and*

*(b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular (A)boriginal heritage or connection..."*

**R. v. Gladue, 1999**

### WHEN DOES *GLADUE* APPLY?

*Gladue* applies to:

- First Nations (Status and Non-Status)
- Inuit
- Métis
- Living On or Off Reserve

Whenever an Indigenous person is sentenced for a crime or asks for release on bail, the judge has a responsibility to consider their experiences and background as an Indigenous person. These are called *Gladue* Factors.



### WHAT ARE *GLADUE* FACTORS?

*Gladue* Factors are the challenges that you, your family, community, or Nation has faced. These are known as systemic and background factors. They relate to the harmful effects of colonialism and discrimination, past and present.

Your *Gladue* Factors are presented in a Gladue Report or Submission.

### *Gladue* Factors include:

- Experiences with Residential or Day Schools
- Experiences of Racism
- Experiences with Foster Care
- Community Separation
- Incarceration
- Poverty
- Disabilities
- ...And many more

## A GLADUE REPORT OR SUBMISSION WILL INCLUDE INFORMATION ON



Your relationships with a spouse/partner, close family, extended family, community members, and support workers.

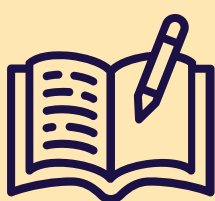


Your support networks (past and present) which include spiritual, cultural, family, and community supports and resources.



Your individual strengths, including any special skills, achievements, goals, or hobbies you enjoy.

### WHAT ARE GLADUE REPORTS?

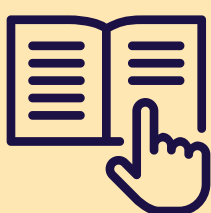


#### GLADUE REPORTS

Gladue Reports are detailed, written accounts that involve interviews between yourself and the interviewer or Report Writer, support networks, family members, friends, partners, community members, and other people who understand your background and circumstances.

Gladue Reports share the rich and detailed story of your life, family, community and/or Nation. A Gladue Report can explore the reasons why you are before the court and help the judge understand your life-story. Gladue Reports are usually written by a Gladue Report Writer. They include detailed Aftercare, Support, or Healing Plans.

### WHAT ARE GLADUE SUBMISSIONS?



#### GLADUE SUBMISSIONS

A Gladue Submission is shorter than a Gladue Report. A Submission may involve interviews with yourself, some of your family members, networks, or others who understand your background and circumstances. Generally, Gladue Submissions are faster to prepare than Gladue Reports because of the cost and time needed to write Gladue Reports.

Gladue Submissions can be presented in writing or, if you are comfortable, by speaking to the court. A Gladue Submission can be read aloud by your lawyer, a Court Worker, yourself, and even a support person if you choose. A Gladue Submission can help the judge understand your *Gladue* Factors and outline your Aftercare, Support, or Healing Plan.

#### REPORTS AND SUBMISSIONS TRY TO ANSWER THE QUESTIONS:

- How did this person get to this point in their life?
- Are there options other than sending this person to jail?

# HOW DO I REQUEST A GLADUE REPORT OR SUBMISSION?

There are different ways to request a Gladue Report or Submission.

To request a Gladue Report or Submission, speak with your lawyer, Court Worker, or Support Worker.

They can help explain the process, connect you with the right services, and work with you to build your Gladue Report or Submission.

## CONTACT INFORMATION AND SUPPORT SERVICES

### THE FASD NETWORK

TEL: 1-866-673-3276

EMAIL: [info@fasdnetwork.ca](mailto:info@fasdnetwork.ca)

WEBSITE: [www.saskfasdnetwork.ca](http://www.saskfasdnetwork.ca)

The FASD Network and Integrated Justice Program offer client-led, trauma informed, FASD-informed services. They have experience working with clients who have cognitive disabilities and can help explain complex legal terms and conditions.

### INTEGRATED JUSTICE PROGRAM

WEBSITE: [integratedjusticeprogram.com/contact](http://integratedjusticeprogram.com/contact)

### ELIZABETH FRY SOCIETY

TEL: 1-888-934-4606

EMAIL: [reception@elizabethfrysask.org](mailto:reception@elizabethfrysask.org)

WEBSITE: [elizabethfrysask.org](http://elizabethfrysask.org)

From legal resources and support to reintegration and advocacy services, the Elizabeth Fry Society of Saskatchewan offers assistance to women, gender-diverse folks, and their families when they are impacted by incarceration.

### JOHN HOWARD SOCIETY

#### INSTITUTIONAL SUPPORT LINE

TEL: 1-888-540-7093

EMAIL: [provincial@sk.johnhoward.ca](mailto:provincial@sk.johnhoward.ca)

WEBSITE: [sk.johnhoward.ca](http://sk.johnhoward.ca)

For anyone dealing with the justice system, whether incarcerated, awaiting trial, family members, or Correctional staff who have general questions. The support line can help you locate appropriate resources and services.

## LEGAL AID SASKATCHEWAN

To find out if you qualify and apply for Legal Aid, please call or visit our website.

**TEL: 1-800-667-3764**

**(Monday-Friday, 8:00a.m. - 4:45p.m.)**

**WEBSITE: [www.legalaid.sk.ca](http://www.legalaid.sk.ca)**





### **GLADUE SUBMISSION GUIDE**

A USER MANUAL FOR INDIGENOUS  
CLIENTS AND LEGAL COUNSEL

**LEGAL AID**  
SASKATCHEWAN

**Download a copy of Legal Aid Saskatchewan's Gladue  
Submission Guide on our website!**

## **You might be able to get free Legal Aid help if:**

-  you have been charged with a crime
-  you need help with a family matter
-  you can't afford to pay for a lawyer
-  a lawyer agrees your case has merit

**You can get free Legal Aid help if you are  
12 to 17 years old.**

**LEGAL AID**  
S A S K A T C H E W A N